

Andrea Leshak, Esq.  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
New York, New York 1007-1866

Re: Request for Information  
PROTECO Site, Peñuelas, Puerto Rico

Dear Ms. Leshak:

Attached please find Brosval Chemical, Inc. response to the request for information dated March 28, 2019. In response to the request, we offer the information and documents attached herein, based on our review of the records available. Given wide scope of the years relevant to the request, the search cannot be comprehensive in the time allowed. The information submitted is offered as a good faith effort to respond the inquiries related of our relationship with PROTECO as owners of the land where they operated. Should you require additional response to the inquiries, please let us know.

Sincerely,



Jorge P. Valdivieso

Attachments

c: Zolymar Luna  
Caribbean Environmental Protection Division  
U. S. Environmental Protection Agency, Region 2  
City View Plaza II, Suite 7000  
48 Rd 165, km 1.2  
Guaynabo Puerto Rico 00968-8069

# CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State Commonwealth of Puerto Rico

County Municipality of Peñuelas,

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

Aff. #13,897

Jorge P. Valdivieso  
NAME (print or type)

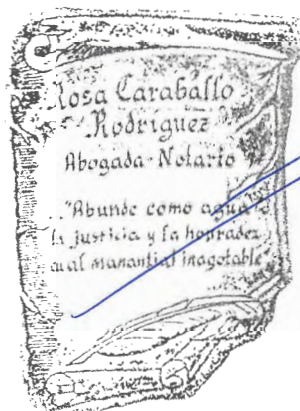
President  
TITLE (print or type)

SIGNATURE

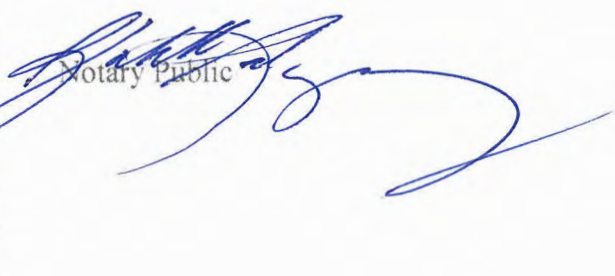


Sworn to before me this

21 day of May 2019.



Rosa Caraballo Rodriguez  
Notary Public



1. Answer the following questions regarding Brosval Chemicals, Inc. (“Brosval”):

- a. State the correct legal name and mailing address for the Company:

Response:

Brosval Chemicals, Inc.

P. O. Box 1144 Peñuelas, PR 00624-1144

- b. State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of the COMPANY:

Response:

Jorge L. Valdivieso – President

Lucas P. Valdivieso – Vice President

Road 385, km. 4.4

Peñuelas, Puerto Rico 00624

- c. Identify the state Commonwealth and date of incorporation of the Company and the name of its agents for service of process in the state/Commonwealth of incorporation and in Puerto Rico, if different:

Response:

Incorporated in the Commonwealth of Puerto Rico

Date: August 25, 1996.

Jorge L. Valdivieso – Resident Agent

- d. Identify any successor corporations, predecessor corporations, or other entities related to the company. If the Company is or was subsidiary or affiliate of another corporation or other entity, identify each of those other entities. Chief Executive Officers. Presidents. And Chairpersons of the Board. Identify the state/commonwealth of incorporation and agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different for each entity identified in your response to this question.

Response: Brosval has no successor or predecessor corporations. Neither is it an affiliate or subsidiary of another entity. For agent for service of process and officers of the corporation, see answers (b) and (c) above.

2. Answer the following questions regarding Compañía Ganadera Del Sur, Inc. (“CGS”)

- a. State the correct legal name and mailing address for Compañía Ganadera Del Sur, Inc.:

Response

Compañía Ganadera Del Sur, Inc  
P. O. Box 1144  
Peñuelas, PR 00624-1144

- b. State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of Compañía Ganadera Del Sur, Inc.:

Response:

Lucas Pérez Valdivieso Torruella – President  
Jorge Lucas P. Valdivieso – Vice President  
Lucas P. Valdivieso Torruella – Chairman of the Board

- c. Identify the state/commonwealth and date of incorporation of Compañía Ganadera Del Sur, Inc., and the name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico if different:

Response:

Incorporated in the Commonwealth of Puerto Rico  
Date: December 30, 1953  
Jorge Lucas Valdivieso Torruella, Resident Agent

- d. Identify any successor corporations, predecessor corporations, or other entities related to Compañía Ganadera Del Sur, Inc. If Compañía Ganadera Del Sur, Inc., is or was subsidiary or affiliate of another corporation or other entity, identify each of those other entities. Chief Executive Officers, Presidents, and Chairpersons of the Board. Identify the state/commonwealth of incorporation and in Puerto Rico, if different, for each entity identified in your response to this question.

Response:

Compañía Ganadera del Sur, Inc. (“CGS”) was not a subsidiary or affiliate or another corporation or entity.

Response:

CGS owned the site during the time Carbareon, PROTECO and Resources Management, Inc. rented the property where the hazardous waste units are located and is now owned by Brosval, who acquired it from CGS.

3. State the dates during which the Company owned, operated, or leased any portion of the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

Response: CGS ended operations in 12/31/1996.

4. State the dates during which Compañía Ganadera Del Sur, Inc., owned, operated, or leased any portion of the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

Response: CGS owned the Site from the sixties until 1996 when it was sold to Brosval. CGS leased the property to Servicios Carbareon, Inc. in 1983.

5. Indicate whether Compañía Ganadera Del Sur, Inc. continues to exist. If it is no longer in business, indicate the date and means by which it ceased operations, and provide supporting documentation.

Response: See answer to request number 3.

6. State the date during which Servicios Carbareon, Inc., PROTECO, and Resources Management, Inc., owned, operated, or lease any portion of the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

Response: Servicios Carbareon, Inc. started in the 1970s, we have not found a copy of the original contract. In 1983 CGS signed a contract with Carbareon when Jorge Fernández Pabón acquired the corporation.

7. Explain in detail the relationship between Compañía Ganadera Del Sur, Inc., and the Company. Identify any managers, officers, and/or directors who held position in both Compañía Ganadera Del Sur, Inc. and the Company. Submit all documents relating to any transactions between Compañía Ganadera Del Sur, Inc. and the Company, including all documents pertaining to any agreements, express or implied, for the assumption of the liabilities of PROTECO.

Response: CSG and Brosval were separate corporations with same shareholders, Messrs. Jorge L. Valdivieso and Lucas P. Valdivieso, who also were officers of the corporations.

8. Explain in detail the relationship between Compañía Ganadera Del Sur, Inc. and Servicios Carbareon, Inc., PROTECO, and Resources Management, Inc.

Response:

In the early 1970s Carbareon leases a few acres for the treatment and disposal of waste generated by the Unión Carbide Caribe, Inc. and others operating in the industrial park where CORCO and others were located. Later, Carbareon was acquired by Jorge Fernández Pabón and continued with a new lease in 1983. Carbareón later ceased operations and Protección Técnica Ecológica, Inc., (PROTECO), organized by Jorge Fernández Pabón, acquired Carbareon's rights and obligations under the 1983 lease and with the lease and operation of the landfill. In 1989, PROTECO merged with Resources Management, Inc. who, as the surviving corporation, continued with the lease until the operation was sold to Peñuelas Valley Landfill, a subsidiary of Waste Management, Inc. The Site was not part of the sale to Waste Management, but was retained by Resources Management, Inc. d/b/a PROTECO as operator and Brosval, as owner since 1996.

9. Explain in detail the relationship between Brosval Chemicals, Inc., and Servicios Carbareon, Inc., PROTECO, and Resources Management, Inc.

Response: See answer to request #8.

10. Identify all known prior owners of the Site. For each prior owner, further identify the following:

- a. The relative dates of ownership:

Response:

For approximately 60 years CGS was the owner of the site up to 1996 when it was sold to Brosval, who has been the owner to the present.

- b. All evidence showing the extent to which each entity controlled access to Site; and

Response: At all times, the access to the operation was controlled by the operators Carbareon, PROTECO and RMI.

- c. All evidence that a hazardous substance, pollutant, or contaminant was release or threatened to be released at the Site during the period that each owned the Site.

Response: CGS and Brosval have no information on hazardous substances, pollutant or contaminant released or threatened to be released at the site.

11. Identify all known prior operators of the Site. For each prior operator, further identify the following:

Response: Known prior operators: Carbareon, PROTECO and Resources Management, Inc.

- a. The relative dates of operation:

Response:

Carbareon: From the beginning until PROTECO acquired the Corporation

PROTECO: Until it merged with Resources Management, Inc.

Resources Management, Inc. d/b/a PROTECO: Until closing.

- b. The nature of prior operations at the Site by each entity:

Response:

Treatment and disposal of wastes. To our knowledge, hazardous wastes were managed by Carbareon. PROTECO acquired Carbareon and it is our belief that it managed both, hazardous and non-hazardous wastes.

- c. All evidences showing the extent to which each entity controlled access to the Site:

Response: Access to site strictly corresponded to Carbareon, PROTECO and/or RMI.

- d. All evidence that hazardous substance, pollutant, or contaminant was released or threatened to be released at the Site and or its solid waste units during the period that each was operating the Site.

Response:

We have no evidence of such releases or threatened releases. The operators did not share such information with us.

12. Describe that nature of your activities or business at the Site, including past or present purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

Response: GGS and Brosval did not at any time conduct such activities. Neither did the occupy any position requiring such activities nor have the authority to have others conduct such activities on our behalf. Our only business with the site was the lease of the land.

13. Indicate whether you ever used, purchased, generated, stored treated, disposed of, or otherwise handled any hazardous substances at the Site. If the answer to the preceding question is anything but an unqualified "no", identify the following:

Response: No.

- a. In general terms, the nature and quantity of the non-hazardous substances transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
- b. The chemical composition, characteristics, and physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
- c. The persons who supplied you with each such hazardous substance;
- d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
- f. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

14. Provide a list of all parties (names, addresses and EPA Identification numbers) that arranged for disposal of hazardous substances, hazardous waste, or industrial waste to the Site by year. If the waste was disposed of pursuant to a written contract, provide a copy of any contracts or agreements.

Response: No knowledge on the matter. Such activities were performed by the operators.

15. Provide a list of all transporters (names, addresses, and EPA Identification numbers) that transported waste to the Site by year. If the waste was disposed of pursuant to a written contract, provide a copy of any contracts or agreements.

Response: We do not have the information to respond to this request.

16. Provide copies of all records, including but not limited to hazardous waste manifest, customer contracts/invoices/receipts, incoming waste logbooks, pre-acceptance sheets, material safety data sheets, generator audit forms, and monthly reports of waste received, that document the names of companies whose waste was disposed of at the Site and/or companies that transported waste to the Site, including the types and quantities of the waste delivered to the Site between 1975 and 1999.

Response: Do not have such records or information.

17. Provide the names, addresses, and telephone numbers of all persons responsible for the financial recordkeeping for the Site, past and present.

Response: We have no knowledge or information.

18. Identify all persons directly involved in overseeing activities at the Site, including employees who have knowledge, information, or documents about the Site operations.



Response: The overseers of the operation were principally Dr. Jorge Fernández Pabón, Ms. Ivelisse Estrada Rivero and other officers, shareholders or directors of Carbareon, PROTECO and RMI.

19. Provide copies of boring logs, geologic reports, well logs, well locations, soil samples and all sampling data for the Site, including sampling locations of all such samples. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

Response: Brosval has no logs, reports or data, documents or information as pertaining to such activities.

20. Provide information about the Site, including but not limited to the following:

- a. Property boundaries, including a written legal description:

Response: Property boundaries – see map drawn by Fernandez-Estrada group and PROTECO.

- b. Location of any underground utilities (telephone, electrical, sewer, water main, etc.).

Response: To the best of our knowledge, there are no underground utilities at the site.

- c. Location of surface structures (e.g., building, tanks, etc.).

Response: No surface structures at the Site.

- d. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures: and where, when and how such systems are emptied:

Response: No knowledge of any systems for drainage and sanitary sewer system.

- e. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g. excavation work), and any planned additions, demolitions or other changes to the Site: and

Response: The Site has a closure plan that was approved by EPA and executed by operators. The location and nature of the hazardous waste units we believe are known by EPA. Attached is a survey of the units done by the operators. Many drums and hazardous substances were removed from the Site for the approved closure. A post closure plan with the corresponding monitoring, maintenance and security was to be executed by the operator with post closure permit, but the operators did not complete the permit and abandoned the site.

- f. Copies of all maps and drawings of the Site in your possession.

Response: Brosval has found no maps, except as mentioned in Response #20(a).

21. Explain what actions the Company has taken since 2001 to maintain the Site and protect the closed waste units, including but not limited to the following:

- a. What actions the Company has taken to maintain the caps and cover systems of the waste units, and when those actions occurred:

Response: Under lessee operation and responsibility.

- b. What actions the Company has taken to control vegetative growth, and when those actions occurred:

Response Under lessee operation and responsibility.

- c. What actions the Company has taken to restrict access to the Site, i.e., by maintaining fences, and when those actions occurred: and

Response: Under lessee operation and responsibility.

- d. What actions the Company has taken to collect and dispose of leachate from the Corrective Action Management Unit at the Site, and when those actions occurred.

Response: Under lessee operation and responsibility. Brosval does not know what is a Corrective Action Management Unit nor the collection of leachate.

22. For each answer provided in response to Request #21, above, provide supporting documentation including but not limited to contracts, agreements, reports, photos, manifests, waste logs, etc.

Response: Brosval did not generate any documents in those matters.

23. Provide the following information regarding the cattle ranch at the Site:

- a. When the cattle ranch began operating at the Site:

Response: Do not know. Brosval do not own, operate or lease a cattle ranch in our property.

- b. The name, address, and contact information of the owner of the cattle:

Response: The police informed us that the owner of the cattle Victor Cerna alias "Vitin".

- c. Details regarding any lease agreement, written or verbal, regarding the cattle ranch operation, including the duration of the lease and the amount of lease payments.

Response: Brosval has not leased land, in any manner, for the operation of a cattle ranch, much less received lease payments.

24. According to EPA records, there were six white horizontal tanks on an elevated plateau at the center of the Site that were reportedly used to hold nonhazardous wastewaters. Aerial photographs taken in approximately 2015 reveal a cleared pathway through the overgrown vegetation between the cattle ranch located at the Site, the location of the white horizontal tanks, and the Ecosystems Peñuelas Landfill to the east. The photographs indicate that two of the six horizontal tanks were removed. Provide any documentation that these tanks were emptied during the closure activities under RCRA. Indicate whether the tanks were ever used after all closure activities were completed. Explain the contents of the tanks, why two of the tanks were removed, where they were taken, and the ultimate disposition of the tanks.

Response: Brosval has not removed, emptied, used closed or disposed tanks and have no knowledge of their content.

25. Please provide all documents, if not already requested above, that support your responses to Requests #1 - #24, above.

Response: Documents are attached.

26. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

a. The Company's document retention policy between 1975 and 2018:

Response: Brosval has not implemented a document retention policy.

b. A description of how records were destroyed (burned, trashed, etc.) and the approximate date of destruction:

Response: There was no intentional destruction of documents. Some documents were lost due to a flood incident in Mr. Valdivieso's home office.

c. A description of the type of information that would have been contained in the documents:

Response: Business documents.

d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who had and/or still may have the originals or copies of these documents: and

Response: Messrs. Jorge L. Valdivieso and Lucas P. Valdivieso.

e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.

Response: All documents related to Brosval are stored at the company office in Peñuelas, Puerto Rico.

27. Please provide copies of the Company's financial statements, shareholder's reports, financial audits or other financial reports showing its assets, profits, liabilities, and current financial status for the last five years.

Response: Will be provided at a later date.

28. List and provide a copy of all agreements or contracts, including but not limited to insurance policies and indemnification agreements, held or entered into by the Company or its parent corporation(s), subsidiary or subsidiaries that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at and from the Facility. In response to this Request, please provide not only those insurance policies and agreements that currently are in effect, but also provide those that were in effect during the period(s) when any hazardous substances, hazardous wastes, and/or industrial wastes may have been released or threatened to be released into the environment at or from the Facility.

Response: Searching for insurance policies. Will provide when found.

29. State whether any claim or claims have been made by the Company to any insurance company for any loss or damage related to operation at the Site, and if so, identify each claim by stating the name of the claimant, the name and address of the insurance company, the policy number, the named insured on the policy, claim number, date of the claim, amount of claim, the specific loss or damage claimed, the current status of the claim, and the amount, date, and recipient of any payment made on the claim.

Response: No claim has been filed.

30. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

Response: Jorge Fernández Pabón, Ivelisse Estrada Rivero and other shareholders, officers or directors of Servicios Carbareon, Inc., PROTECO, Resources Management, Inc. and RM Holdings, Inc.

31. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether this person has personal knowledge of the information in the answers provided.

Response: Jorge L. Valdivieso and Lucas P. Valdivieso.

**END OF DOCUMENT**